

STATE OF WISCONSIN  
PSYCHOLOGY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
PSYCHOLOGY EXAMINING BOARD	:	ECONOMIC IMPACT ANALYSIS
	:	

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NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Psychology Examining Board relating to applicant appearances, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon, Paralegal  
Division of Policy Development  
Department of Safety and Professional Services  
PO Box 8935  
Madison, WI 53708-8935  
Sharon.Henes@wisconsin.gov

The deadline for submitting economic impact comments is December 20, 2012.

PROPOSED ORDER

An order of the Psychology Examining Board to repeal Psy 2.12(2); renumber Psy 2.12(3) and (4); and amend Psy 2.09(4) relating to applicant appearances.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** § 455.04(5), Wis. Stats.

**Statutory authority:** §§ 15.08(5)(b) and 455.08, Wis. Stats.

**Explanation of agency authority:** Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. The Psychology Examining Board shall adopt such rules as are necessary under chapter 455.

**Related statute or rule:** § 455.04(5), Wis. Stats.

**Plain language analysis:**

Section 1 amends Psy 2.09(4) to reflect the statute provision which has a discretionary provision regarding appearances. Currently the rule requires every applicant to appear before the Board in person prior to licensure as a psychologist. The change will reduce the administrative burden of the resources of the Psychology Examining Board and the Department of Safety and Professional Services. It would also significantly reduce the time it takes an applicant to become licensed because they would no longer have to wait until a scheduled meeting to make an appearance.

Section 2 repeals the provision for licensure by reciprocity for applicants who are licensed in another state which is a signatory to the agreement of reciprocity of the Association of State Provincial Psychology Boards. The reciprocity agreement requires an appearance before the Board as part of the licensing process. Currently there are only seven other signatory states (Arkansas, Kentucky, Missouri, Nebraska, Nevada, Oklahoma and Texas). None of these states are neighboring states, therefore the change would not have a significant impact on applicants.

Section 3 renumbers Psy 2.12(3) and (4) to Psy 2.12 (2) and (3).

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not require a personal appearance.

**Iowa:** Iowa does not require a personal appearance.

**Michigan:** Michigan does not require a personal appearance.

**Minnesota:** Minnesota does not require a personal appearance

**Summary of factual data and analytical methodologies:**

Psychology Examining Board ensured the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:****Fiscal Estimate and Economic Impact Analysis:**

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

**Agency contact person:**

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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TEXT OF RULE

Section 1. Psy 2.09(4) is amended to read:

Psy 2.09(4) APPEARANCE BEFORE THE BOARD. The applicant ~~shall~~ may be required to appear before the board in person prior to licensure to allow the board to make such inquiry of them as to qualifications and other matters as it considers proper.

Section 2. Psy 2.12(2) is repealed.

Section 3. Psy 2.12(3) and (4) are renumbered to Psy 2.12(2) and (3).

(END OF TEXT OF RULE)

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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_  
Board Chairperson